

CITY OF WILLMAR

PLANNING COMMISSION MEETING

7:00 P.M. ON WEDNESDAY, NOVEMBER 20, 2019

CONFERENCE ROOM #1

CITY OFFICE BUILDING

Chair: Steve Gardner

Vice Chair: Rolf Standfuss

Members: Jeffery Kimpling, Cletus Frank, Jonathan Marchand, Terry Sieck, Dr. Jerry Kjergaard, Christina Nelson, and Rhonda Otteson.

AGENDA

1. Meeting Called to Order
2. Minutes of November 6, 2019 meeting
3. 7:01p.m. Paffrath Phlatz PUD CUP
4. Paffrath Phlatz Minor Subdivision
5. Adjourn

**WILLMAR PLANNING COMMISSION
CITY OF WILLMAR, MN
WEDNESDAY, NOVEMBER 6, 2019**

MINUTES

1. The Willmar Planning Commission met on Wednesday, November 6, 2019, at 7:00 p.m. at the Willmar City Offices Conference Room #1.

Members Present: Rolf Standfuss, Jeff Kimpling, Terry Sieck, Cletus Frank, Jonathan Marchand, Rhonda Otteson, and Christina Nelson

Members Absent: Steve Gardner and Dr. Jerry Kjergaard

Others Present: Sarah Swedburg – Planner, Duaine & Ann Amundson – Willmar, Barbara Marks – Engan Associates Architecture, Mike Schiks – Project Turnabout Executive Director

2. MINUTES: Minutes from the October 16th meeting were approved as presented.
3. PROJECT TURNABOUT CUP – FILE NO. 19-03: The public hearing opened at 7:01p.m. Staff presented a request by Reverence for Life & Concern for People, Inc. (Project Turnabout) of Granite Falls for a conditional use permit to allow a 16-bed residential facility for women, in conjunction with outpatient programming for substance abuse, on property described as follows: Blocks 2, 3, and 4 of Victorian Estates Townhouses, Section 15, Township 119 North, Range 35 West (317 7th St NW). The property is zoned R4, and the property will have ingress/egress on 7th St NW and Gorton Ave NW. Parking is more than adequately provided and setbacks will be conformed to or a variance will be needed. This development will be a nice transitional use between the High-Rise Apartments & the townhomes and single-family homes further west.

Mike Schiks, Executive Director for Project Turnabout, informed the commission that this new facility will be staffed 24/7. This development is specifically for women who have already participated in a rehab program, to help them with the next step of recovery from addiction. About 90% of their clients are from rural communities. Project Turnabout held their own informational meeting, notifying surrounding neighbors of the project, and no one showed up in opposition.

No one else appeared to speak for or against the request and the public hearing closed at 7:09 p.m.

The Planning Commission reviewed and discussed staff comments (see Attachment A).

The Planning Commission reviewed and made affirmative findings of fact as per Zoning Ordinance Section 9.E.3.a.1-7.

Mr. Frank made a motion, seconded by Ms. Otteson, to approve the conditional use permit for a 16-bed residential facility for women, in conjunction with outpatient programming for substance abuse, with the following conditions:

- A. The Turnabout Addition Minor Subdivision shall be approved by Planning Commission and City Council.
- B. The Stormwater Ordinance shall be complied with and plans shall be approved by the Engineering Department.
- C. All building and parking lot setbacks shall be met or a Variance obtained.

- D. The use shall comply with all applicable local, state, and federal rules, laws, and regulations at all times.

The motion carried.

4. PROJECT TURNABOUT MINOR SUBDIVISION – FILE NO. 19-04: Staff presented a preliminary plat on behalf of Reverence for Live & Concern for People, Inc (Project Turnabout) of Granite Falls for the minor subdivision of property described as follows: Blocks 2, 3, and 4 of Victorian Estates Townhouses, Section 15, Township 119 North, Range 35 West (317 7th St NW). This subdivision accompanies the previously seen CUP agenda item, and is intended for a 16-bed residential facility for women on the southern parcel of this new plat. This subdivision meets all requirements to be considered as a minor subdivision.

Staff discussed the Park Dedication fee requirements, according to the Subdivision Ordinance. Concern was raised regarding equity of fee calculation between a replat in a heavily developed neighborhood versus a development subdividing land on the outskirts of town. Mr. Frank suggested Staff contact the County and request the bare land value for this subdivision to calculate park dedication fees.

The Planning Commission reviewed and discussed staff comments (see Attachment A).

The Planning Commission reviewed and made affirmative findings of fact as per Subdivision Ordinance Section 14-102.(e).1-7.

Mr. Frank made a motion, seconded by Ms. Nelson to approve the preliminary plat with the following conditions:

- A. Declarations/covenants for access points that cross lot lines shall be submitted to Staff and recorded concurrently with plat for ease of tractability.
- B. A 10' utility easement along all property lines shall be added, as requested by Willmar Municipal Utilities.
- C. Park Dedication and/or Cash in Lieu shall be dedicated and/or paid prior to issuance of building permits.
- D. All Fire Chief/Marshall, Engineering/Public Works, and MUC comments shall be met, adhered to, and additional information supplied as requested.

The motion carried.

5. ZEIMER DETACHMENT – FILE NO. 19-01: Staff presented a petition for detachment on behalf of Mark & Lori Zeimer of property described as follows: That part of the North ½ of the Northeast ¼ lying East of Rail Road Right-of-Way and West of US Trunk Highway 71 and State Trunk Highway 23. AND That Part of the East ½ of Section 1 lying East of the Right-of-Way of Great Northern Rail Road (also known as Burlington Northern Santa Fe Rail Road & DNR Trail) and West of the State Highway. This land has historically been used as cropland and was annexed in 2007 for a palletization plant development that was never built.

The Planning Commission reviewed and discussed staff comments (see Attachment A). Staff reminded the commission of the limitations that this property faces due to limited vehicular and utility access.

The Commission expressed concern and discussed the lack of definition of reasoning for the petition. They also expressed concern that due to the Comprehensive Plan calling for decommissioning of the abandoned Rail Spur to become a trail, this land would immediately turn around for annexation when access increases. The Commission requested further conversation take place between the Police Chief and the petitioners in regards to hunting/pest control on this property.

Mr. Marchand made a motion, seconded by Mr. Sieck to recommend opposition of the petition to City Council due to lack of reasoning for petition of detachment and the request does not align with the Comprehensive Plan.

The motion carried.

6. CITY ACQUISITION OF PROPERTY: Staff presented a property that the City has interest in buying due to tax forfeiture described as follows: That part of the West ½ of Southeast ¼ and that part of the East ½ of Southwest 1/3 described as follows: Commencing at the Southeast corner of Outlot A of Pheasant Run 2nd Addition, then Southeasterly 291.88 feet, then Northwesterly 266.88 feet, then Northeasterly 212.96 feet to the point of beginning. The City Engineering Department is recommending the purchase of the property for stormwater management purposes.

The Planning Commission reviewed and discussed staff comments (see Attachment A). Mr. Frank inquired about notification to other abutting property owners of the availability of this parcel. Kandiyohi County notifies all abutting property owners of the upcoming auction for tax forfeited land.

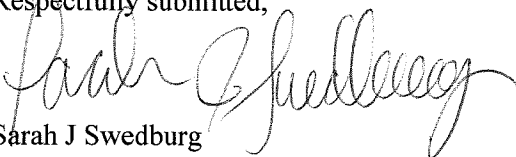
Mr. Kimpling made a motion, seconded by Mr. Frank to recommend acquisition of the property to City Council as it aligns with the Comprehensive Plan.

The motion carried.

7. MISCELLANY: Staff reminded the Commission that we will have a meeting on November 20th as we have received agenda items.

There being no further business to come before the Commission, the meeting adjourned at 7:54 p.m.

Respectfully submitted,


Sarah J Swedburg
Planner

PLANNING COMMISSION – NOVEMBER 6, 2019

STAFF COMMENTS

1. PROJECT TURNABOUT CUP – FILE NO 19-03:

- The applicant is Reverence for Life & Concern for People, Inc. (Project Turnabout) of Granite Falls, MN.
- The applicant is requesting a conditional use permit for a Residential Facility that would consist of a 16-bed residential facility for women, in conjunction with outpatient programming for substance abuse on property described as: Blocks 2, 3, and 4 of Victorian Estates Townhouses, Section 15, Township 119 North, Range 35 West (317 7th St NW).
- The property is zoned R-4 (Medium Density Multi-Family Residential).
- The applicant has also submitted an request for a Minor Subdivision.
- Project Turnabout owns the entire block between 7th & 8th St NW & Gorton Ave NW. This development will be on a lot about 1 acre in size.
- All minimum density and lot sizes are met.
- Setbacks?
- The development will be accessed off of 7th St NW & Gorton Ave NW.
- 39 parking spaces provided. Are residents anticipated to have vehicles?
- City water and sewer mains are available to the property. The City will charge a tapping fee for new connections.
- The development will be built with high quality materials. The style will fit in with the area's residential neighborhoods, serving as a transition between the High-rise Apartments and townhomes & single families homes further West.
- The development includes some green space on the property. The property also borders a current City Park to the North.

RECOMMENDATION: Approve the conditional use permit with the following conditions:

- A. The Turnabout Addition Minor Subdivision shall be approved by Planning Commission and City Council.
- B. The Stormwater Ordinance shall be complied with and plans shall be approved by the Engineering Department.
- C. All building and parking lot setbacks shall be met or a Variance obtained.
- D. The use shall comply with all applicable local, state, and federal rules, laws, and regulations at all times.

2. PROJECT TURNABOUT MINOR SUBDIVISION – FILE NO 19-04:

- The applicant is Reverence for Life & Concern for People, Inc. (Project Turnabout) of Granite Falls, MN.
- The applicant is requesting a subdivision for a Residential Facility that would consist of a 16-bed residential facility for women, in conjunction with outpatient programming for substance abuse on property described as: Blocks 2, 3, and 4 of Victorian Estates Townhouses, Section 15, Township 119 North, Range 35 West (317 7th St NW).
- The subdivision meets the qualifications of a Minor Subdivision.
- Lot 1 can be accessed via 7th & 8th St NW; Lot 2 will be accessed via 7th St NW & Gorton Ave NW.
- The parcels are zoned R-4.

- A Conditional Use Permit has been submitted by the same applicant and the previous item was a review of the application.
- All lots meet the minimum lot size requirements.
- No park dedication fees were paid on previous plats. Current Park Dedication fees are estimated at approximately 5,034 square feet or \$6,091.

Department Comments will be available during the Planning Commission meeting.

RECOMMENDATION: Approve the preliminary plat with the following conditions:

- A. Declarations/covenants for access points that cross lot lines shall be submitted to Staff and recorded concurrently with plat for ease of tractability.
- B. A 10' utility easement shall be added as requested by Willmar Municipal Utilities.
- C. Park Dedication or Cash in Lieu shall be paid or dedicated prior to issuance of Building Permits.
- D. All Fire Chief/Marshall, Engineering/Public Works, and MUC comments shall be met, adhered to, and additional information supplied as requested.

3. ZEIMER DETACHMENT – FILE NO 19-01:

- The petitions are Mark & Lori Zeimer, 100% owners of the property.
- The petitioner is requesting detachment for full property owner usage of the area (hunting) on property described as: That part of the North ½ of the Northeast ¼ lying East of Rail Road Right-of-Way and West of US Trunk Highway 71 and State Trunk Highway 23. AND That Part of the East ½ of Section 1 lying East of the Right-of-Way of Great Northern Rail Road (also known as Burlington Northern Santa Fe Rail Road & DNR Trail) and West of the State Highway.
- The land has historically been used for cropland and remains in agricultural use. There are no improvements or planned improvements on this property.
- The land was originally annexed in 2007 for a pelletizing plant that never came to fruition.
- The land abuts the City's East boundary.
- Representatives of this petition have stated constraints that these parcels face due to limited access created by the BNSF Rail Spur, active BNSF Rail Line to the South, and difficulty being served by municipal utilities.

Fire Chief/Marshall Comments: I have no feelings or concerns either way at this point.

Police Chief Comments: No issues either way with WPD.

Willmar Municipal Utilities Comments: We have reviewed the detachment request and submit the following comments:

- The property is in WMU's Electric Service Territory and will remain in the WMU's Service Territory if detached.
- If said property is developed and water and wastewater services are requested, WMU would recommend annexation prior to providing services
- WMU would concur with City Attorney Scott's approach to general opposition of the requested detachment.

Engineering & School District Comments will be available during the Planning Commission meeting.

RECOMMENDATION: Review the petition for detachment & determine whether to recommend approval or denial of the attachment to City Council.

4. CITY ACQUISITION OF PROPERTY:

- The City received notification that certain properties were becoming available for purchase due to Tax Forfeiture. Upon investigation, the City Engineering department is recommending the City purchase property described as: That part of the West $\frac{1}{2}$ of Southeast $\frac{1}{4}$ and that part of the East $\frac{1}{2}$ of Southwest $\frac{1}{3}$ described as follows: Commencing at the Southeast corner of Outlot A of Pheasant Run 2nd Addition, then Southeasterly 291.88 feet, then Northwesterly 266.88 feet, then Northeasterly 212.96 feet to the point of beginning.
- City Engineering Department is recommending the purchase of this property for stormwater management purposes.
- Kandiyohi County determined the market value of the Property at \$200.

RECOMMENDATION: Review the land sale & determine whether the purchasing of property is in compliance with the Comprehensive Plan.

**NOTICE OF HEARING ON A REQUEST FOR
A CONDITIONAL USE PERMIT**

Notice is hereby given that the City of Willmar Planning Commission will meet on Wednesday, November 20, 2019, at 7:01 p.m. at the City Office Building (Conference Room # 1 main floor), 333 6th St. SW, Willmar, Minnesota, to conduct a public hearing to hear reasons for and against a conditional use permit requested by Justin Paffrath of 490 LLC, Spicer, MN, for a planned unit development to allow for separate ownership of a duplex on property described as: East 151.2 feet of North 98.5 feet of Lot 7, Block 1, Barnstad's Second Addition (908 & 910 15th St SW).

All property owners or residents living in the vicinity of the above-described property are hereby notified of the public hearing and that they may appear in person or be represented by counsel to be heard on this matter. The Planning Commission meeting agenda and packet can be found on the City's website Calendar (www.willmarmn.gov).

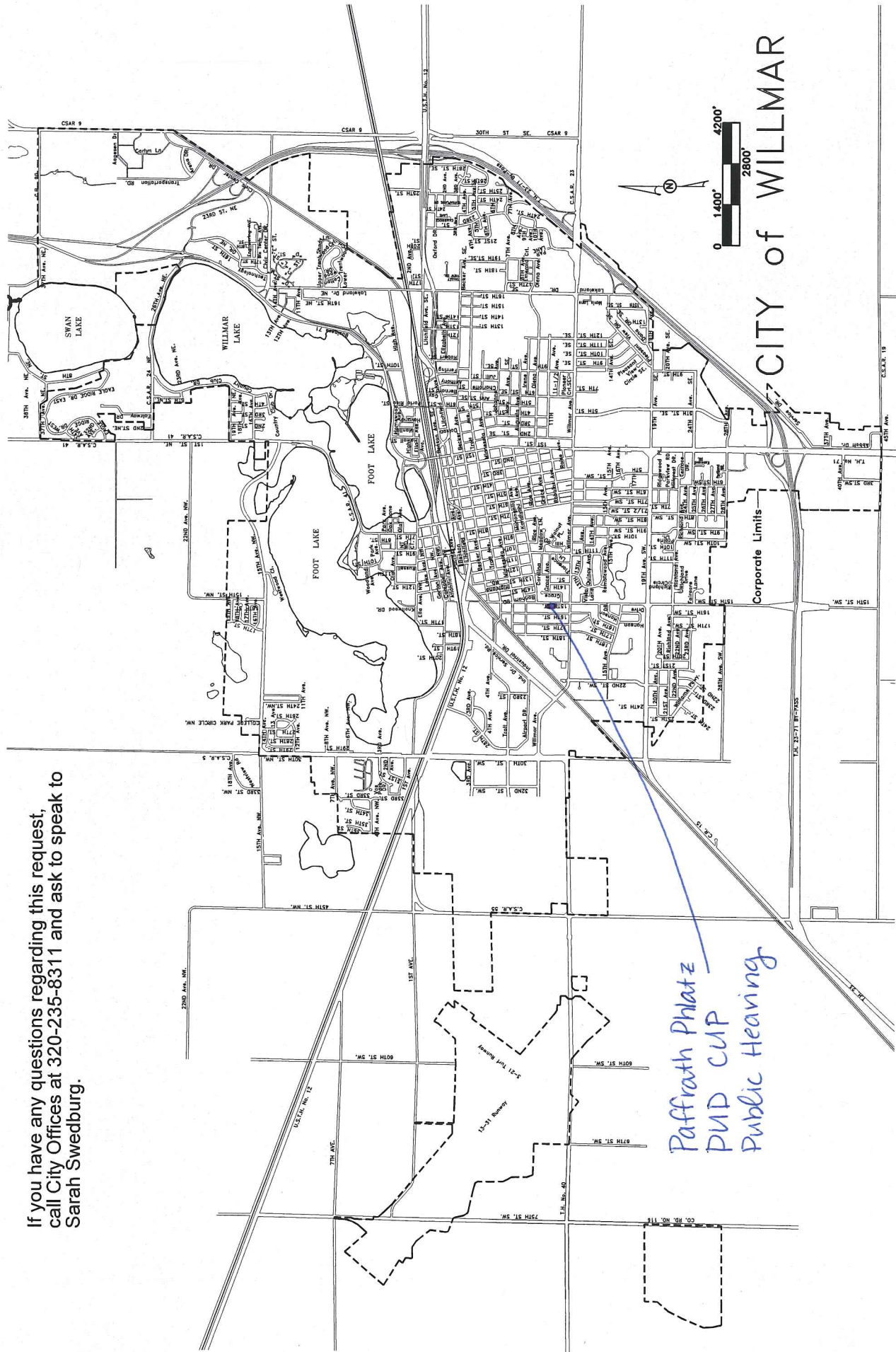
November 9, 2019
Date

Sarah J. Swedburg
Planner

Si Usted no lee inglés o si este aviso no contiene una explicación suficiente, por favor comuníquese con Abby al 235-0850 ext. 1100, de Heartland Community Action Agency.

Haddii Aadan Akhriyi Karin Ama Aadan Fahmeeynin Ogeeysiiskan, Fadlan Soo Wac: Sahra Gure, West Central Interpreting Services, LLC (320)235-0165 ama (320)441-8555.

If you have any questions regarding this request,
call City Offices at 320-235-8311 and ask to speak to
Sarah Swedburg.



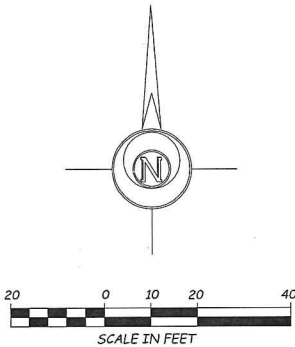
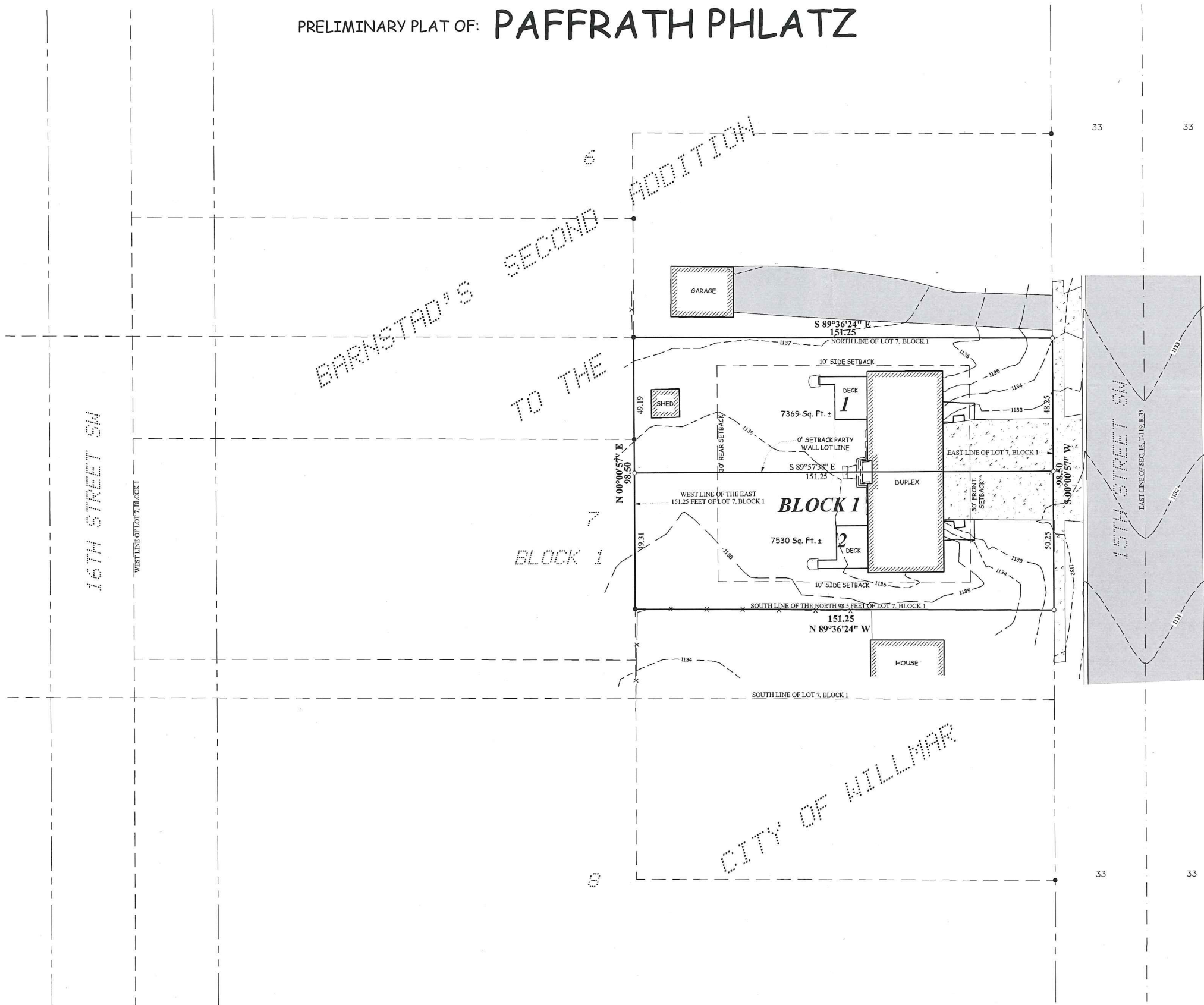
Paffrath Platz
PUD CUP
Public Hearing

PRELIMINARY PLAT OF: **PAFFRATH PHLATZ**

LEGAL DESCRIPTION

The North 98 1/2 feet of the East 151 feet 3 inches of Lot 7, Block 1, Barnstad's Second Addition to the City of Willmar, according to the map or plat thereof on file or of record in the Office of the County Recorder in and for Kandiyohi County, Minnesota.

TOTAL PLAT AREA=14,899 SQUARE FEET +/-



- Legend
- INDICATES IRON MONUMENT PLACED
 - INDICATES IRON MONUMENT FOUND
 - INDICATES BITUMINOUS SURFACE
 - INDICATES CONCRETE SURFACE

NOTE: THIS SURVEY IS INTENDED ONLY FOR THE BENEFIT OF THE PARTY TO WHOM IT WAS PREPARED FOR AND SHOULD NOT BE RELIED UPON BY ANY OTHER PARTY OR FOR ANY OTHER PURPOSE WITHOUT FIRST CONTACTING THE SURVEYOR WHO DEVELOPED AND MADE THIS DRAWING. UNAUTHORIZED REPRODUCTION OF THIS DOCUMENT IS PROHIBITED.

340 CHAPEL HILL RD.
COLD SPRING, MN 56320
PH. 320-685-5905
FAX 320-685-3056

PRELIMINARY PLAT PREPARED BY:
O'MALLEY & KRON
LAND SURVEYORS, INC.

1004 2nd ST. SE
WILLMAR, MN 56201
PH. 320-235-4012
FAX 320-685-3056

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
BENJAMIN C. O'MALLEY
MINNESOTA REGISTRATION NO. 42300
DATE: 9-11-2019

SHEET 1 OF 1

PRELIMINARY PLAT PREPARED FOR:
JUSTIN PAFRATH
JOB NO: 2019-451
FILE NAME: 2019-451.DWG
LOCATION: 16-119-35

PLANNING COMMISSION – NOVEMBER 20, 2019

STAFF COMMENTS

1. PAFFRATH PHLATZ PUD CUP – FILE NO 19-04:

- The applicant is Justin Paffrath representing 490, LLC of Spicer, MN.
- The applicant is requesting a conditional use permit for a planned unit development that would allow a duplex to be owned by two separate parties on property described as: East 151.2 feet of the North 98.5 feet of Lot 7, Barnstad's Second Addition (908 & 910 15th St SW).
- The parcels are zoned R-2 (One- and Two-Family Residential).
- The applicant has also submitted a request for a Minor Subdivision.
- All minimum density and lot sizes meet PUD standards.
- The dwelling units currently exist on the lot, and there are no proposed changes at this time. All setbacks are met by Zoning Ordinance standards.
- The parcels are accessed off of 15th St SW via a shared driveway.
- The parcels are currently connected to City utilities.
- This application will allow the duplex to be sold to two separate owners.

RECOMMENDATION: Approve the conditional use permit with the following conditions:

- A. The Turnabout Addition Minor Subdivision shall be approved by Planning Commission and City Council.
- B. The use shall comply with all applicable local, state, and federal rules, laws, and regulations at all times.

2. PAFFRATH PHLATZ MINOR SUBDIVISION – FILE NO 19-05:

- The applicant is Justin Paffrath representing 490, LLC of Spicer, MN.
- The applicant is requesting a subdivision that would allow a duplex to be split along a party wall on property described as: East 151.2 feet of the North 98.5 feet of Lot 7, Barnstad's Second Addition (908 & 910 15th St SW).
- The subdivision meets the qualifications of a Minor Subdivision.
- The parcels are accessed off of 15th St SW via a shared driveway.
- The parcels are zoned R-2 (One- and Two-Family Residential).
- A Conditional Use Permit for a PUD has been submitted by the same applicant and the previous item was a review of the application.
- All lots meet the minimum lot size requirements according to PUD Standards.
- No park dedication fees were paid on previous plats. Current Park Dedication fees are estimated at approximately 1,043 square feet or \$1,722, based off of the Kandiyohi County Land Value of \$24,600.

Fire Chief/Fire Marshal: I have reviewed the Paffrath Phlatz Plat. It appears that this area meets our current fire service needs. This may change if building plans are submitted.

MUC: Electric currently served by PED on Southeast corner of lot. Each side of duplex has separate meter.

If individual premises are to be under separate ownership, each premise shall be served by a separate water service.

Engineering Department: No changes are proposed to the public street; none are needed.

Sanitary sewer exists in 15th St SW. It is assumed the sewer service will remain unchanged. It is suggested that the applicant address concerns with regard to maintenance of the on-site sanitary sewer system. No changes are needed to the sanitary sewer system.

Considering no changes are proposed to the site, there are no requirements to manage stormwater.

RECOMMENDATION: Approve the preliminary plat with the following conditions:

- A. Declarations/covenants for party wall & shared driveway shall be submitted to Staff and recorded concurrently with plat for ease of tractability.
- B. Park Dedication or Cash in Lieu shall be paid or dedicated prior to recording of final plat.
- C. A separate water service shall be installed for the proposed Lot 1, Block 1 dwelling unit, as required by MUC.
- D. All Fire Chief/Marshall, Engineering/Public Works, and MUC comments shall be met, adhered to, and additional information supplied as requested.

- F) "Revisions of Requirements." All requirements stated or implied herein are subject to change at any time without prior notice. All revisions can be obtained from the Water Department of the WMU.

4.3 RATES AND CHARGES:

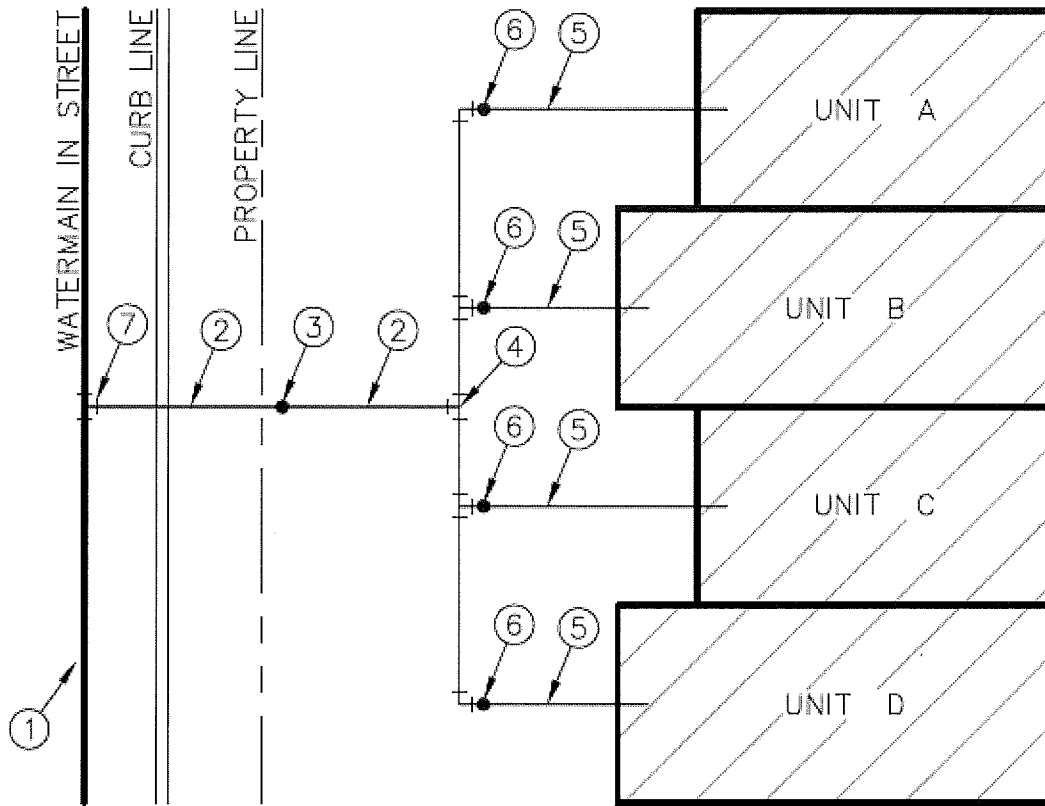
- A) "Rates." The rates to be charged for water and the various classifications of service for which rates are charged, are established by the Willmar Municipal Utilities Commission with the concurrence of the City Council of the City of Willmar. These rates are subject to change from time to time. Copies of the most current rate schedules are available at the office of the WMU.
- B) "Other Charges." Charges for material, equipment and labor that are furnished by the WMU will be billed based on costs plus overhead incurred. The current schedule of charges is available at the office of the WMU.

4.4 WATER SERVICE:

- A) "Installation." Water services shall be installed according to the standard specifications herein for service connections as approved by the WMU. A water service is initially installed at the expense of the property owner and becomes part of the real property. See Appendix B for a typical residential water service detail and Appendix F for a typical combined fire and domestic water service detail.
- B) "Access." An employee of the Water Department shall have the right to reasonable access at all reasonable times to the served premises for the purpose of inspection and operation of water service components.
- C) "Multiple Premises."
1. Whenever a building with two or more premises is constructed on a single lot or a group of lots, and the individual premises are to be under separate ownership, each premise shall be served by a separate water service. These separate services shall be installed so there is a curb box and curb valve for each premise served. These separate services may be served from a common service line, properly sized, connected to the water main and installed with a master curb box and curb valve. In such case the responsibility for the repair and maintenance of the common service line shall be under the control of a legally recorded homeowners' association agreement at the time of installation. There shall be a set of drawings submitted to the Water Department for approval before construction begins. Appendix C illustrates a typical service layout for a multiple premises building.
 2. Whenever an additional building is placed or erected on a parcel of land where there is an existing building(s) and requires water service, there shall be a separate and individual water service installed to serve the new building.

APPENDIX C

TYPICAL SERVICE LAYOUT FOR MULTIPLE PREMISES BUILD



- 1 WATERMAIN IN STREET
- 2 MASTER SERVICE
- 3 MASTER CURB BOX (2' BEHIND PROPERTY LINE)
- 4 MASTER TEE (SPLIT FOR INDIVIDUAL SERVICES)
- 5 INDIVIDUAL SERVICES
- 6 INDIVIDUAL CURB BOXES
- 7 SADDLE AND CORPORATION VALVE

NOTE: ALL SERVICE CONNECTIONS OF THIS TYPE SHALL BE REVIEWED BY THE WATER DEPARTMENT PRIOR TO INSTALLATION. SERVICE FROM WATERMAIN TO BUILDING BY OWNER.